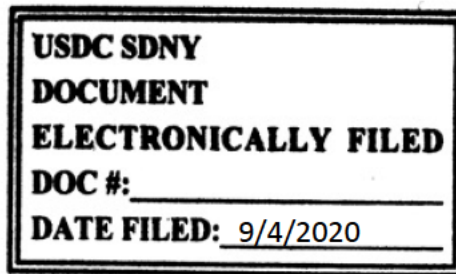


**Wittels
McInturff
Palikovic**



September 3, 2020

Via ECF

Honorable Katharine H. Parker
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *Mahood v. Noom, Inc.*, No. 20 Civ. 3677 (LGS) (KHP)

Dear Judge Parker:

APPLICATION GRANTED

Katharine H. Parker
Hon. Katharine H. Parker, U.S.M.J.

9/4/2020

On behalf of Plaintiffs and the proposed Class, we write to request a one-week extension of the parties' deadline to file their joint letter detailing the remaining disputes as to the electronically stored information protocol ("ESI protocol")

In accordance with Rule I(f) of the Court's Individual Practices in Civil Cases, Plaintiffs state that (1) the current deadline for the parties' joint letter is September 10, 2020 and the requested new deadline is September 17, 2020; (2) this is Plaintiffs' second request to adjourn this deadline and it does not affect any other scheduled dates; (3) Your Honor granted Plaintiffs' earlier request on August 21, ECF No. 40; and (4) Defendant refuses to consent to this request.

The reason for Plaintiffs' request is that Plaintiffs and their ESI consulting experts need additional time to respond to the ESI protocol Defendant circulated after close of business on Tuesday, September 1. Defendant's September 1 protocol rejected almost all of Plaintiffs' August 25 proposals, leaving more than two dozen issues in dispute. Plaintiffs are working on a counterproposal to narrow the disputes but Plaintiffs' consultants have other pending matters and will not be able to address the parties' disputes and hold a meet and confer with Defendant until later next week. Plaintiffs thus respectfully request that Your Honor extend to September 17 the deadline for the parties to submit their joint letter outlining the remaining ESI protocol disputes.

Defendant does not object to extending the date of the parties' joint letter but would not consent unless Plaintiffs agreed not to seek court intervention on any issues Defendant believes should be addressed in the parties' forthcoming joint letter. Defendant contends that Plaintiffs' September 1 letter motion (ECF No. 48) should have been included in the joint letter. During the September 9 Case Management Conference Plaintiffs will explain why we believe the issues raised in ECF No. 48 should not await the parties' impasses on specific ESI protocol provisions.

Thank you for the Court's consideration of this request.

Respectfully submitted,

/s/ J. Burkett McInturff

J. Burkett McInturff

cc: *All counsel of record (via ECF)*